

LISA LYNNE RUSSELL  
Deputy Assistant Attorney General  
Environment & Natural Resources Division  
United States Department of Justice

MARK A. NITCZYNSKI  
Environmental Defense Section  
999 18<sup>th</sup> Street; South Terrace; Suite 370  
Denver, Co 80202  
(303) 844-1498

AUSTIN D. SAYLOR  
Environmental Defense Section  
P.O. Box 7611  
Washington, D.C. 20044  
(202) 514-1880

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

HANFORD CHALLENGE, *et al.*,  
  
Plaintiffs,

v.

JENNIFER M. GRANHOLM, in  
her official capacity as Secretary of  
the United States Department of  
Energy, *et al.*,  
  
Defendants.

NO. 4:15-cv-5086-TOR  
(consolidated with 4:15-cv-  
5087-TOR)

**JOINT STATUS REPORT**

1 Plaintiff State of Washington, Plaintiffs Hanford Challenge and United  
2 Association of Plumbers and Steamfitters Local Union 598, Defendants Jennifer  
3 M. Granholm, Secretary of the United States Department of Energy,<sup>1</sup> and the  
4 United States Department of Energy, and Defendant Washington River  
5 Protection Solutions, LLC, hereby submit this Joint Status Report and request  
6 that this Court require the parties to file another status report on or before  
7 February 1, 2028.  
8

9 The parties report as follows:

10 1. On October 16, 2018, the parties informed this Court that they had  
11 reached a settlement. ECF No. 256.  
12

13 2. At that time, the parties also informed this Court that, under the  
14 Settlement Agreement, Plaintiffs would not pursue their claims during the time  
15 that the Settlement Agreement is effective. *Id.* In addition, the parties explained  
16 that the Settlement Agreement includes a termination provision with a date of  
17 March 1, 2022; however, the Agreement may be terminated beforehand under  
18 certain circumstances and, conversely, the parties may extend the time that the  
19 Agreement is effective. *Id.* The parties stated that they could not then predict  
20 whether future litigation would be necessary or appropriate. *Id.*  
21

22 3. On October 30, 2018, this Court granted the parties' motion to  
23 place this matter under an administrative stay. ECF No. 257. This Court's stay  
24

---

25 <sup>1</sup> A new Secretary of Energy will be automatically substituted as a defendant in  
26 his official capacity. Fed. R. Civ. P. 25(d).

1 order provided that “[t]his consolidated case is STAYED until further Order of  
2 the Court.” *Id.* The stay order also stated that “[a]ny party seeking to re-open  
3 this matter shall so move the Court.” *Id.* In addition, at the parties’ request, the  
4 stay order required that the parties “submit a joint status report on or before  
5 February 1, 2022, if this matter has not been re-opened prior to that time.” *Id.*

6  
7 4. On February 1, 2022, the parties submitted a joint status report that,  
8 among other things, stated that the parties were discussing a possible extension  
9 of the March 1, 2022 termination date included in the Settlement Agreement,  
10 and asked the Court to enter an order that required the parties to submit a status  
11 report on or before February 1, 2025, if this matter has not been re-opened prior  
12 to that time. ECF No. 258. Also on February 1, 2022, this Court entered an order  
13 requiring the parties to submit a joint status report on or before February 1,  
14 2025, if this matter has not been re-opened before then. ECF 259.

15  
16 5. The Settlement Agreement remains effective, and none of the  
17 parties has moved this Court to re-open the litigation. In addition, the parties  
18 have agreed to a separate modification that extends the March 1, 2022  
19 termination date included in the Settlement Agreement to February 1, 2028.  
20 Furthermore, that modification provides that additional work under the  
21 Settlement Agreement currently is projected to be completed by June 30, 2027,  
22 and that the parties are scheduled to commence further negotiations no later than  
23 August 1, 2027.  
24  
25  
26

1           6.     None of the parties seeks to re-open this consolidated case at this  
2 time. Instead, the parties believe that continuing the administrative stay of this  
3 case is appropriate.

4           7.     No action by this Court is required to continue the administrative  
5 stay. However, the parties suggest that this Court enter an order that requires the  
6 parties to submit a status report on or before February 1, 2028, if this matter has  
7 not been re-opened prior to that time.

8           8.     A proposed order is being submitted with this Joint Status Report.  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1 DATED this 31<sup>st</sup> day of January, 2025.

2 NICK BROWN  
3 Attorney General

4 By: /s/ Kelly T. Wood  
KELLY T. WOOD  
5 John A. Level  
6 Thomas J. Young  
7 Caroline E. Cress  
8 State of Washington  
9 Office of the Attorney General  
10 P.O. Box 40117  
11 Olympia, WA 98504-0117  
12 360-586-6770  
13 kelly.wood@atg.wa.gov  
14 johnl3@atg.wa.gov  
15 tomy@atg.wa.gov  
16 carolinec@atg.wa.gov

17 William R. Sherman  
18 State of Washington  
19 Office of the Attorney General  
20 TB-14  
21 Seattle, WA 98104  
22 206-326-5494  
23 bills5@atg.wa.gov

24 *Attorneys for Plaintiff State of  
Washington*

25 SMITH & LOWNEY PLLC

26 By: /s/ Richard A. Smith  
MEREDITH A. CRAFTON  
Richard A. Smith  
2317 E. John Street  
Seattle, WA 98112  
206-860-2883  
meredithc@smithandlowney.com  
richard@smithandlowney.com

Beth E. Terrell  
Blythe H. Chandler  
Terrell Marshall Law Group PLLC  
936 N. 34th Street, Suite 300

LISA LYNNE RUSSELL  
Deputy Assistant Attorney General  
U.S. Department of Justice  
Environment & Nat. Res. Division

VANESSA R. WALDREF  
United States Attorney  
Eastern District of Washington

By: /s/ Mark A. Nitzczynski  
MARK A. NITCZYNSKI  
U.S. Department of Justice  
Environment & Nat. Res. Division  
Environmental Defense Section  
999 18th Street, S. Terrace, Suite 370  
Denver, CO 80202  
303-844-1498  
mark.nitzczynski@usdoj.gov

Austin D. Saylor  
U.S. Department of Justice  
Environment & Nat. Res. Division  
Environmental Defense Section  
P.O. Box 7611  
Washington, D.C. 20004  
202-514-1880  
austin.saylor@usdoj.gov

Derek T. Taylor  
U.S. ATTORNEY'S OFFICE  
P.O. Box 1494  
Spokane, WA 99210-1494  
509-353-2767  
derek.taylor@usdoj.gov

*Attorneys for Defendants Jennifer M.  
Granholm and U.S. Department of  
Energy*

SUMMIT LAW GROUP, PLLC

By: /s/ J. Chad Mitchell  
J. CHAD MITCHELL  
1030 N. Center Parkway, Suite 308

1 Seattle, WA 98103-8869  
2 206-816-6603  
3 [bterrell@terrellmarshall.com](mailto:bterrell@terrellmarshall.com)  
4 [bchandler@terrellmarshall.com](mailto:bchandler@terrellmarshall.com)

5 *Attorneys for Plaintiffs Hanford*  
6 *Challenge and United Association of*  
7 *Plumbers and Steamfitters Local*  
8 *Union 598*

Kennewick, WA 99336  
509-735-5053  
[chadm@summitlaw.com](mailto:chadm@summitlaw.com)

David M. Heineck  
315 5th Avenue S., Suite 1000  
Seattle, WA 98104  
206-676-7000  
[davidh@summitlaw.com](mailto:davidh@summitlaw.com)

*Attorneys for Defendant Washington*  
*River Protection Solutions, LLC*